

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
In re :

LEHMAN BROTHERS HOLDINGS, INC. *et al.*, :

Debtors. :

Chapter 11 Case No.

Case No. 08-13555 (JMP)

(Jointly Administered)

-----X Ref. Docket No. 2162

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

HERB BAER, being duly sworn, deposes and says:

1. I am employed by Epiq Bankruptcy Solutions, LLC, located at 757 Third Avenue, New York, New York 10017. I am over the age of eighteen years and am not a party to the above-captioned action.

2. On December 11, 2008, I served the "DEBTORS' OBJECTION TO MOTION OF TPG-AUSTIN PORTFOLIO HOLDINGS LLC TO COMPEL IMMEDIATE ASSUMPTION OR REJECTION OF CREDIT AGREEMENT; OR IN THE ALTERNATIVE, GRANT RELIEF FROM THE AUTOMATIC STAY TO PERMIT ALTERNATIVE FINANCING ON A SENIOR SECURED BASIS," dated December 11, 2008 [Docket No. 2162] by causing true and correct copies to be:

- a) delivered by email to those parties listed on the attached Exhibit "A" and those parties listed on the attached Exhibit "B",
- b) delivered by facsimile to those parties listed on the attached Exhibit "C", and
- c) enclosed securely in separate postage-prepaid envelopes and delivered by overnight mail to those parties listed on the attached Exhibit "D".

3. All envelopes utilized in the service of the foregoing contained the following legend: "LEGAL DOCUMENTS ENCLOSED. PLEASE DIRECT TO ATTENTION OF ADDRESSEE, PRESIDENT OR LEGAL DEPARTMENT."

Sworn to before me this  
19<sup>th</sup> day of December, 2008

/s/ Regina Amporfro

Notary Public, State of New York

No. 01AM6064508

Qualified in Bronx County

Commission Expires September 24, 2009

/s/ Herb Baer

Herb Baer

## **Exhibit “A”**

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## **EXHIBIT D**

THE HONORABLE JAMES M. PECK  
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